

In re Application of  
Evans et al.  
Application No.: 09/458,366  
Page 2 of 3

Atty. Dkt. No. SALK2270-2 (088802-5203)

### REMARKS

The allowance of claims 13-19, 21-31 and 34-42 in the Notice of Allowance mailed November 18, 2004, is acknowledged with appreciation.

With respect to the "examiner's statement of reasons for allowance" as set forth at pages 2-3 of the Notice of Allowability, Applicant would like to clarify the record as follows. While Applicant agrees with the Examiner's acknowledgement that "the claims are free of the art of record", the discussion which follows is unduly limiting. Thus, Applicants respectfully disagree with the Examiner's characterization of the art of record as allegedly failing:

*... to teach or suggest the human SXR polynucleotide or polypeptide as set forth in the specific SEQ IDs with the specific biological activities set forth in the independent claims.*

Not only does the art of record fail to teach or suggest the human SXR polynucleotide or polypeptide as set forth in the specific SEQ IDs, it is respectfully submitted that the art of record fails to teach or suggest any human SXR polynucleotides or polypeptides having the specific biological activities set forth in the independent claims. Thus, the art of record is more properly characterized as failing to teach or suggest any human SXR polynucleotide or polypeptide having the specific biological activities set forth in the independent claims.

With respect to the final sentence of the "examiner's statement of reasons for allowance", for the sake of clarity, it is presumed that the Examiner intended this sentence to read:

*The amendments to the claims has addressed each of the remaining basis of rejection narrowing by modifying the scope of the claims to that which is considered fully described and enabled in view of the state of the art, and has provided claim language consistent with that which has previously been allowed in other related applications.*

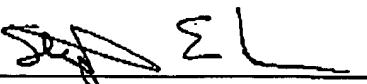
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Page 3 of 3

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Entry of the remarks submitted herewith is respectfully requested. In the event any matters remain to be resolved in view of this communication, the Examiner is encouraged to call the undersigned so that this application can promptly proceed to issue.

Respectfully submitted,

Date: February 17, 2005

By 

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